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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,142	09/27/2000	Craig A. Nies	ISAA0064	6191
22862	7590	09/20/2007		
GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025			EXAMINER HOLMES, MICHAEL B	
			ART UNIT	PAPER NUMBER
			2121	
			MAIL DATE	DELIVERY MODE
			09/20/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

09/672,142

Applicant(s)

NIES ET AL.

Examiner

Michael B. Holmes

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE (3) MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1,2,3-27,34 and 37 is/are pending in the application.
- 4a) Of the above claim(s) 28-33,35,36 and 38-40 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 2,4,5 and 34 is/are allowed.
- 6) ☒ Claim(s) 1,6-11 and 37 is/are rejected.
- 7) ☒ Claim(s) 12-27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

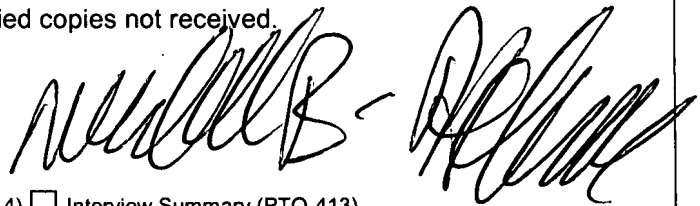
## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



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### Examiner's Detailed Office Action

1. This Office Action is responsive to communication filed 10/06/2004.
2. Claims 1, 2, 3-27 & 37 have been examined.
3. Claim 3 has been cancelled, and claims 2, 4, 5 & 34 has been allowed.
4. Claims 28-33, 35, 36, & 38-40 have been withdrawn.

### Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 6-8 & 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 6-8 submitted (10/06/2004) do not have any dependency listed, and claim 9 is dependent upon claim 8 which has been addressed.

## Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1, 10, 11 & 37 are rejected under 35 U.S.C. 102(b) as being anticipated by Decision Edge for Fraud and Abuse Management, IBM, 1998.

Regarding claims 1.

*IBM* describes a computer implemented system for analyzing results of a predictive model applied to a data pertaining to a plurality of entities, the method comprising: a predictive model that scores the entities and provides a rank ordered listing of at least some of the entities, and at least one reason for each listed entity; [see pages 1-7] and for each reason, a report tree hyperlinked to the reason and containing a plurality of hyperlinked reports, including at least one summary level report providing a summary of data contributing to the reason the entity is included in the rank ordered listing: wherein the entities are healthcare entities and the predictive model is for identifying suspicious healthcare entities from data including healthcare procedure reimbursement transactions associated with the entities. [see pages 1-7]

Regarding claims 10 & 11.

*IBM* describes a computer implemented system for analyzing results of a predictive model applied to a data pertaining to a plurality of entities, the method comprising:

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providing a predictive model for scoring the entities; [see pages 1-7]  
displaying a rank ordering at least some of the entities according to their scores, and for each of the displayed entities, providing a hyperlink to a report tree containing a plurality of hyperlinked reports, including at least one summary report providing a quantitative summary of data contributing to a reason the entity is included in the rank ordered listing; [see pages 1-7]  
wherein the entities are healthcare entities and the predictive model is for identifying suspicious healthcare entities from data including healthcare procedure reimbursement transactions associated with the entities. [see pages 1-7]

Regarding claim 37.

*IBM* describes a system for analyzing activities of entities, the system comprising:

a data source including activity data for a plurality of entities; [see pages 1-7]  
a predictive model communicatively coupled to the data source that executes on the activity data, and generates an ordered list of suspect entities, the ordered list of entities selected based on their predictive model Scores; [see pages 1-7] and  
a report tree containing a hierarchy of predetermined reports, each report hyperlinked to at least one other report, and containing at least one summary report of a selected entity's activity in a selected time period, a report applied to selected activity data of the selected entity in response to the report being accessed in the report tree; [see pages 1-7]  
wherein the entities are healthcare entities and the predictive model is for identifying suspicious healthcare entities from data including healthcare procedure reimbursement transactions associated with the entities. [see pages 1-7]

### Claim Objection(s)

9. Claims 12-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### Allowable Subject Matter

10. Claims 2, 4, 5 & 37 are allowed.

### Correspondence Information

11. Any inquires concerning this communication or earlier communications from the examiner should be directed to Michael B. Holmes, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at (571) 272-3686 or facsimile transmission (571) 273-3686 or email [michael.holmesb@uspto.gov](mailto:michael.holmesb@uspto.gov).

If you need to send an Official facsimile transmission, please send it to (571) 273-8300.

If attempts to reach the examiner are unsuccessful the Examiner's Supervisor, Anthony Knight, may be reached at (571) 272-3687.

Hand-delivered responses should be delivered to the Receptionist @ (Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22313), located on the first floor of the south side of the Randolph Building.

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Finally, information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Moreover, status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) toll-free @ 1-866-217-9197.

***Michael B. Holmes***

Patent Examiner

Artificial Intelligence

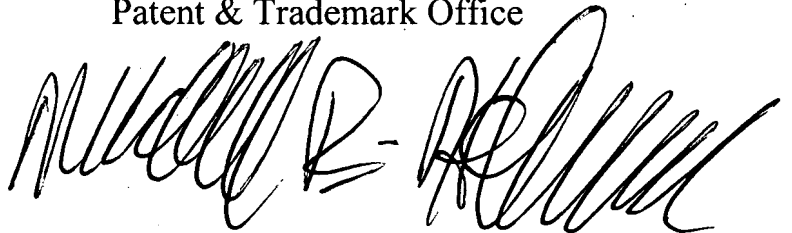
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United States Department of Commerce

Patent & Trademark Office

*Saturday, August 18, 2007*

*MBH*

A handwritten signature in black ink, appearing to read "Michael B. Holmes", is written over the printed name and title.